

b.) Remarks

The claims have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment may be found in original claims 2, 8 and 19, as well as in the specification as filed at page 8, lines 7-11 taken with page 1, lines 13-15. Accordingly, no new matter has been added.

Claim 1 is objected to for the formal reasons noted at page 2. Also, claims 4-5 and 8-9 are objected to under 37 C.F.R. §1.75(c) as being in improper multiple dependent form for the reasons discussed at page 2 of the Office Action. In response, the grammatical error in claim 1 is attended to above. As to the Examiner's comment that claims 4, 5, 8 and 9 are "improper multiply dependent claims" such are not. (See MPEP §608.01(n)A, Example Claim 10 ("A gadget as in any of claims 1-3 or 7-9, in which").) Nevertheless, simply in order to reduce the issues and expedite prosecution, claims 4, 5 and 9-11 have all been amended as kindly suggested by the Examiner. Accordingly, this objection is overcome.

Claims 1-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner's basis for this rejection is set forth at pages 3 and 4 of the Office Action. In response, claims 1 and 6-8 are all above amended in order to address the Examiner's concerns. Accordingly, this rejection is mooted.

Claims 1-2, 4-11 and 28-30 are rejected under 35 U.S.C. §112, first paragraph, for the reasons noted at pages 4-7 of the Office Action. In response, the claims have been amended to recite *Hydrangea macrophylla* Seringe var. *Thunbergii* Makino.

Additionally, the term “prevention” is amended to read --delay onset of--. Accordingly, this rejection is mooted as well.

Claims 1-2, 4-11 and 28-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sorgente et al. (U.S. Patent No. 6,162,787) in view of Guardia et al. in view of Balado and further in view of Matsuda et al. The Examiner’s bases of rejection are set forth at pages 7-10 of the Office Action.

In support of the rejection, the Examiner contends that Sorgente teaches administering glucosamine and chondroitin sulfate for treating arthritis. The Examiner further notes Guardia teaches that rutin reduces inflammation, and Balado teaches that rutin may be found in the blossoms of *Hydrangea macrophylla*.

In that regard, the Examiner contends that Matsuda teaches that chemical constituents with anti-histamine activity were extracted from the leaves of *Hydrangea macrophylla* Seringe var. thunbergii Makino. However, there is no report in the prior art that rutin is present in the leaves and branch ends of *Hydrangea macrophylla* Seringe var. thunbergii Makino. Moreover, anti-histamine activity is not effective for treating or delaying the onset of arthritis.<sup>1</sup> Accordingly, there is no *prima facie* obviousness.

In any event, the present invention achieves unexpectedly superior results over the closest prior art. That is, as seen in Example 3 and specification pages 38-40, mice subjected to the present invention (Group 4) exhibited significantly better results than mice subjected to Sorgente’s treatment (Group 3). Therefore, any *prima facie* case of obviousness is rebutted on the record.

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<sup>1</sup> Indeed, no medication which is related to anti-histamine activity is described in Garg., *Arthritis Basics*, cited by the Examiner as reference W.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 3-7, 9-11, 18, 20-22 and 28-32 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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